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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION No.16838/1997

BETWEEN :

Bheemaraya, Major,  
S/o. Basappa,  
Occ: Agriculture,  
R/o. Sankeshral village,  
Tq: Devadurga,  
Dist: Raichur.

.. PETITIONER

(By Sri. R.B. Deshpande, Adv.)

AND :

1. The Secretary,  
Office of the Grama Panchayat,  
Randurga, Tq: Devadurga,  
Dist: Raichur.

2. Nagana Gowda, Major,  
S/o. Rachanna,  
Occ: Business,

3. Hanumantharaya, Major,  
S/o. Shankarappa,  
Occ: Agriculture,

R2 & R3 are the  
R/o. Surkeshral village,  
Tq: Devadurga,  
Dist: Raichur.

.. RESPONDENTS

(By Sri. Veeresh B. Patil, for R2)

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This petition is filed under Articles 226 & 227 of the Constitution of India with a prayer to quash vide Ann-B dt.14.8.95 by R1.

This petition coming on for prl. hg. in 'B' Group this day, the Court made the following:-

O R D E R

The petitioner claiming to be the owner of the property bearing No.134 situated at Sunkeshral village in Devadurga Taluk, Raichur District, has filed this writ Petition challenging the transfer of Khata by the Secretary of the Grama Panchayat in favour of the 2nd respondent.

2. From the facts, it is seen, on the basis of the compromise decree in O.S.19/94, the Secretary of the Grama Panchayat effected the Khata in the name of the 2nd respondent. The case of the petitioner is that the 2nd and 3rd respondents have obtained a decree by colluding with each other without impleading the petitioner as a party to the suit even though he is the owner of the property. It is further the case of the petitioner that he has filed the

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the suit O.S.41/1996 for a declaration that the compromise decree obtained by the 2nd and 3rd respondents is illegal and not binding on the petitioner. The said suit is pending consideration in the Court of Munsiff at Devadurga. When the petitioner has already approached the Civil Court for getting the compromise decree obtained by 2nd and 3rd respondent <sup>is</sup> set-aside, there is no reason at this stage to interfere in the transfer of Khata made by the Secretary in the name of the 2nd respondent. If the petitioner succeeds <sup>in</sup> for the suit O.S.41/96, it is open for the petitioner to move the secretary to make necessary changes in the revenue records of Panchayat so as to bring in conformity with the decree that may be passed in the said suit. Therefore there is no reason to interfere in the order of the Secretary of the Grama Panchayat regarding the transfer of Khata at this stage. Accordingly, this writ Petition is rejected in the light of the observation made above.

Sd/-  
JUDGE

